

In The Matter Of:
SECRETARY OF STATE
State Elections Board Hearing

May 18, 2020

Steven Ray Green Court Reporting, LLC
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THE OFFICE OF THE SECRETARY OF STATE

STATE OF GEORGIA

IN THE MATTER OF:
STATE ELECTION BOARD HEARING

2 MLK JR. DR. SE
SUITE 810 WEST TOWER
ATLANTA, GEORGIA 30334

May 18th, 2020
9:00 A.M.

PRESIDING OFFICER: BRAD RAFFENSPERGER
SECRETARY OF STATE

STEVEN RAY GREEN COURT REPORTING, LLC
Kaitlin Walsh, CCR

Atlanta, Georgia

APPEARANCE OF THE PANEL

Secretary of State Brad Raffensperger, chair

Rebecca Sullivan, vice chair

Anh Le

David Worley

Matthew Mashburn

ALSO PRESENT IN ORDER OF PRESENTATION

Ryan Germany

Transcript Legend

(sic) - Exactly as said.

(ph.) - Exact spelling unknown.

-- Break in speech continuity.

... Indicates halting speech, unfinished sentence or omission of word(s) when reading.

Quoted material is typed as spoken.

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P R O C E E D I N G S

MR. RAFFENSPERGER: Good morning. This is Secretary Brad Raffensperger. I wanted to call this meeting to order. We'll begin with an invocation and Pledge of Allegiance.

(Invocation)

(Pledge of Allegiance)

MR. RAFFENSPERGER: Okay. I wanted to just check to see if I have all of my Board members with me if you'd just say yes when I call your name. Mr. Worley?

MS. THOMAS: He is here. Mr. Worley, it's asking for you to put in an audio... there he is.

MR. RAFFENSPERGER: Ms. Sullivan?

MS. THOMAS: He's on now.

MR. RAFFENSPERGER: Ms. Le?

MS. LE: Here.

MR. RAFFENSPERGER: Great. Great.

MS. LE: Good morning.

MR. RAFFENSPERGER: And Mr. Mashburn?

MS. THOMAS: He's not on yet.

MR. RAFFENSPERGER: So we're still waiting for Mr. Mashburn to join us.

MS. THOMAS: Mmm-hmm.

MR. RAFFENSPERGER: Okay. Well, let me know when he gets on board. We have enough for core. We also have

1 today on the agenda the approval of the Board meeting
2 minutes from the April 15th, 2020 special called meeting.
3 And, members, those are before you today. You've had a
4 chance to review them. Do you have any comments or
5 questions on that? If not, now would be the appropriate
6 time for a motion.

7 MR. WORLEY: This is Mr. Worley. I'll make a motion
8 to approve the minutes.

9 MR. RAFFENSPERGER: Do we have a second?

10 MS. LE: I'll second it. This is Anh.

11 MR. RAFFENSPERGER: Hi, Anh. Thank you.

12 MS. LE: Good morning.

13 MR. RAFFENSPERGER: All those in favor in approving
14 the Board minutes as presented, signify by saying aye.

15 THE BOARD MEMBERS: Aye.

16 MR. RAFFENSPERGER: Motion carries. Thank you.
17 Okay. We have public comments on the proposed emergency
18 rule. Jasmine, I believe you're organizing that.

19 MS. THOMAS: Okay. Mr. Mashburn is on now.

20 MR. RAYBURN: Mr. Secretary, Matt Mashburn has
21 joined, so we're getting his audio set up. And everyone
22 who wants to make a public comment, please use the raise
23 your hand function on the webinar, that way we can put
24 down your name and call you for that. So please use the
25 raise my hand or raise your hand function so we know who

1 wants to make a public comment.

2 MR. RAFFENSPERGER: Great. Are we ready to begin
3 that then?

4 MS. THOMAS: Yes. So we're going to first start with
5 George Balbona.

6 MR. RAFFENSPERGER: Okay. Mr. Balbona.

7 MS. THOMAS: And you may speak now.

8 MR. BALBONA: Check. Check. Can you hear me?

9 MS. THOMAS: Yes.

10 MR. BALBONA: Okay. Real quick, I attended the
11 State Election Board's emergency hearing in Athens-Clarke
12 County and that was an absolute traviti -- travesty of
13 justice. Ballot secrecy is both impossible and
14 impracticable. I have some questions for you. Since
15 Georgia is going mainly to absentee ballots, will Athens-
16 Clarke County get their fine money back?

17 I'll like to also state that I'm sick of the SEB
18 cherry-picking which laws you enforce. You claim -- claim
19 that having state-wide uniformity is an important law and
20 paramount, but I informed David Worley that Fulton County
21 is utilizing BMD carriers no other county is using, and
22 they're spending \$2.6 million to do so, which is \$76,000
23 more than they're BOC-approved, by the way. So that's
24 different equipment, different procedures, and Fulton
25 County is utilizing a ballot box which is a different size

1 and actually sent back the unit which the scanner sits
2 upon back to Dominion. So you practice what you preach.
3 I have not heard word one about anybody raising a ruckus
4 about how Fulton County, the largest county, most populous
5 county in the State, is using equipment that is different
6 than everybody else, procedures that are different from
7 everybody else. This is ridiculous, okay? And it needs
8 to be addressed.

9 And since everyone is going to try to be using, you
10 know, mailed in absentee ballots, I don't see why Athens-
11 Clarke County, that was ahead of the curve, is getting
12 penalized for it. I wish you could see what I have on my
13 screen. It's a picture of Brian Kemp. I figured maybe
14 you guys would pay attention because he seems to be the
15 only person you'll listen to. That is not what your job
16 is. Thank you.

17 MR. RAYBURN: All right. Thank you, Mr. Balbona. We
18 have put the emergency rule that's going to be up for
19 discussion today on the website. It's part of the agenda.
20 It was also sent around to those on the list serve. And
21 to make this a productive meeting, we ask that everyone
22 try to restrict your comments to the emergency rule that
23 is going to be discussed today, and we greatly appreciate
24 that.

25 MS. THOMAS: All right. Next, we have Liz Throop.

1 You are now able to speak.

2 MS. THROOP: Thank you. This is Liz Throop, and I
3 live in DeKalb County. Can you hear me?

4 MS. THOMAS: Yes.

5 MS. THROOP: Thank you. I can't speak to the
6 proposed emergency rule because I didn't find that on the
7 website, but at the Faith in Freedom Forum last month,
8 Secretary Raffensperger encouraged voters to bring their
9 absentee ballots to the polling place saying you can
10 decide to drop it in here or if it's up to you, how you
11 want to handle that. It's true that some counties do
12 accept completed absentee ballots at polling places during
13 election -- during early voting. However, they don't
14 accept them on Election Day. Surely, this restriction
15 confuses and intimidates voters who might otherwise vote
16 safely by absentee instead of going to vote in person
17 during the pandemic.

18 The Coalition for Good Governance has been asking the
19 SEB for months to allow voters to drop off completed
20 ballots at their polling place. Dropping off completed
21 absentees at one's regular precinct on Election Day would
22 be convenient and seem logical, especially to counties
23 where voter [sic] drop off ballots already at early
24 voting. Poll workers could be designated as absentee
25 ballot clerks, and absentees could be delivered to

1 election offices right along with provisional ballots,
2 memory cards, and tabulation tapes after polls close.
3 These ballots would arrive at election offices about the
4 same time that absentee ballots arrive from ball -- from
5 the county drop boxes. The SEB should suspend this
6 restriction on drop offs of voted absentee ballots on
7 Election Day. This would be convenient for voters, reduce
8 confusion, and reduce possible exposure of voters and poll
9 workers to the virus. Thank you.

10 MR. RAYBURN: Thank you, Ms. Throop. We appreciate
11 your comments.

12 MS. THOMAS: Next, we have Garlan Favorito. You can
13 now speak.

14 MR. FAVORITO: Thank you, Mr. Chairman. As founder
15 of Voter GA, I first want to thank you for sending a mail-
16 in ballot application to all Georgia voters. It was the
17 right thing to do, even though you received some unjust
18 criticism for that. Like the rest of our members, I do
19 not want to chance the barcoded votes on an unverifiable
20 ballot-marking device. I already applied for my absentee
21 ballot back on March 20th and still have not received it.
22 I've found others in Fulton County who have waited even
23 longer than I have because the County at one time
24 apparently had a backlog of over 100,000 applications.
25 It's not just Fulton though. Many counties have a backlog

1 of thousands of applications and it appears hopeless that
2 we will get our ballots in time for the election.

3 There's also tremendous confusion resulting from the
4 attempt to combine the presidential preference primary and
5 the Georgia primary election. We should have learned our
6 lesson in 2017 when we were ridiculed nationally after the
7 voting system failed when the Secretary of State's Office
8 attempted to combine the Sixth District race with other
9 elections.

10 In addition, there's ballot confusion in Gwinnett
11 County, where voters are only getting half a ballot with
12 partisan races and no non-partisan races. Another voter
13 there is being unjustly denied the right to vote because
14 he is falsely listed in the wrong database that the
15 Secretary of State is using to track felons. I have
16 explained to your office that the voter has no
17 convictions, but there seems to be no interest in
18 correcting this problem so the voter can vote.

19 Mr. Chairman, I am inviting you or any one of the
20 Elections Division to have the opportunity to address all
21 of these concerns by joining our Zoom meeting at 11am
22 today immediately following this Board meeting. The Zoom
23 link can be found at the voterga.org events tab, and I
24 urge you or someone to join the meeting, and we'll give
25 you time to discuss whatever you'd like to discuss.

1 MR. RAYBURN: All right. Thank you, Mr. Favorito.

2 MS. THOMAS: All right. Next, we have Jonathan Grant.

3 You may speak now. Mr. Grant? Jonathan Grant, you may

4 speak now. All right, so we'll come back to Mr. Grant.

5 Next, we're going to have Jeanne Dufort. You may speak

6 now.

7 MS. DUFORT: Good morning. I'm the first Vice Chair

8 of the Morton County Democratic Committee and also a

9 member of the Coalition for Good Governance. These are

10 challenging times to be sure. County election officials

11 are straining under a triple threat. It's the biggest

12 year of the four-year election cycle. Most will be using

13 the new election system for the first time, and we have a

14 pandemic.

15 County election officials and voters deserve more

16 from the State Election Board than two emergency rules.

17 Your rule authorizing ballot drop boxes is a good rule,

18 and today's rule which we've just seen five minutes ago

19 will help. It's insufficient. It's not enough. You need

20 to permit and encourage county election officials to use

21 all of their authority to protect the election. Without

22 that support, county election officials face impossible

23 choices. They're watching the Secretary of State break

24 the law when he chooses, compromising ballot secrecy by

25 substituting a folded sheet of paper for the sealable

1 envelope required by law and ignoring the deadlines for
2 mailing absentee ballots to voters. And they watched you,
3 the State Election Board, punish the one county which
4 tried to make sense of conflicting rules by providing
5 constitutionally protected secret ballots and the required
6 number of voting stations. That would be Athens-Clarke
7 County.

8 Are you, the Board, charged with operating the
9 State's elections in a uniform manner, aware that some
10 polling places will have only one third of the voting
11 stations required by law while others will have their full
12 complement, which means some voters will endure terrible
13 lines, others not so much? Are you aware that the
14 training materials provided by the State do not mention
15 long lines as a reason to implement your emergency ballot
16 rule despite the Secretary of State's repeated statements
17 including while voting for the rule that no one should
18 wait more than thirty minutes to vote?

19 Counties need options to streamline in-person voting
20 while minimizing contact. Voters need options to be sure
21 they can get a mail ballot with time to return it.

22 Counties need to know they will not be punished when they
23 make responsible choices to protect their voters. Choose
24 to be part of the solution, not part of the problem.

25 MR. RAYBURN: Thank you, Ms. Dufort. Ms. Dufort,

1 thank you.

2 MS. THOMAS: All right. Next, --

3 MR RAFFENSPERGER: Is that it?

4 MS. THOMAS: -- we have Ailene Nakamura. You may now
5 speak.

6 MS NAKAMURA: Can you hear me?

7 MS. THOMAS: Yes.

8 MS. NAKAMURA: Great. Okay. Good morning. The
9 proposed rule wasn't available to the public until a few
10 minutes ago, so my comments have to do with the pandemic.
11 For months now, those of us volunteering with the
12 Coalition for Good Governance have been sending letters,
13 speaking at County and State Election Board meetings, and
14 talking to voters and county election officials in the
15 hopes of helping Georgia have safer and more secure
16 elections. We've been mentioning easy, cost-saving
17 improvements like dropping off absentee mailboxes at
18 polling places during early voting and Election Day, which
19 the majority of election supervisors we've talked to think
20 is a great idea. During the pandemic, we've sent letters
21 with procedure recommendations from voting experts that
22 would help counties with the huge influx of absentee
23 ballots that they're experiencing right now and also help
24 keep polling places safer for voters and poll workers to
25 prevent situations like Wisconsin had.

1 So it's truly disappointing that the only time the
2 Secretary of State's Office starts listening to us is when
3 we file a lawsuit. In fact, after absentee mail ballots
4 were to the wrong addresses of over 400,000 voters, the
5 Secretary announced that they would send those missing
6 ballots to the right addresses only after we filed suit.
7 Due to the pandemic, we will have fewer voting machines
8 than required by law, fewer polling places, and fewer poll
9 workers, all leading to long lines at many polling places.
10 Add to that the fact that new poll workers are going to
11 have a lack of training because they're only getting
12 trained with videos without any hands-on training, so that
13 will add more time and confusion.

14 So it seems ridiculous that the Secretary is not
15 making the most obvious decision to keep voters and poll
16 workers safer during the pandemic. It's a decision that
17 some Pennsylvania counties that use the same Dominion
18 voting systems as Georgia have already made. They are
19 going to use hand-marked paper ballots with disposable
20 pens instead of virus-spreading touch-screen machines. It
21 takes much less time to vote on a paper ballot, so it's
22 quicker to vote, wait times are shorter, and so are the
23 lines, and it also gives you the ability to have other
24 great options like curbside voting from your car. Please
25 do the right thing and prioritize voter and poll worker

1 safety. Thank you.

2 MR. RAYBURN: Thank you, Ms. Nakamura.

3 MS. THOMAS: Next, we have Saira Draper.

4 MS. DRAPER: Good morning. My name is Saira Draper,
5 and I am the Director of Voter Protection for the
6 Democratic Party of Georgia. Today I'd like to speak with
7 you about the current lack of and voters' need for real-
8 time reliable information from the Secretary of State's
9 Office about the vote by mail process. I'd like to share
10 with you the story of one voter's efforts to vote safely
11 in the upcoming primary to highlight this issue.

12 In April, the voter received an application to vote
13 by mail. By April 15th, she had filled out the
14 application correctly, taken a photo of it with her phone,
15 and emailed it to her county. The voter checked MVP
16 regularly to see the status of her application. Days went
17 by, then weeks. MVP did not indicate her application had
18 been received. The voter considered submitting a second
19 application or calling the county, but because the voter
20 knew the county was processing a large number of
21 applications, she tried to remain patient.

22 After waiting nearly a month though, she took action.
23 The voter was pregnant and didn't feel she could risk the
24 heightened virus exposure that comes from voting in
25 person. The voter, who had connections at her local

1 elections office, was able to communicate directly with
2 the county election supervisor about the status of her
3 application. The voter checked MVP later that day. For
4 the first time, it indicated her application had been
5 received. It also indicated that her ballot had been
6 issued. Her ballot arrived nine days after the ballot
7 issue date on MVP. It was disconcerting to the voter that
8 MVP had proved to be an unreliable source of information.

9 The voter opened the ballot. Rather than finding the
10 inner envelope that she was accustomed to, there was a
11 sheet of white paper curiously called a privacy sleeve.
12 The voter checked the Secretary of State's website for
13 information on whether the sleeve needed to be sealed, but
14 there was no information.

15 I can attest to the truth of this story because this
16 is my voter story. In some ways, my story is typical of
17 what many Georgians are experiencing right now. In some
18 ways, it is not. I wonder if I would still be waiting for
19 my ballot if I did not have access to information and
20 people as part of my job.

21 The most common question that Georgia Democrats have
22 received over the past week is can I still go vote in
23 person if my absentee ballot never arrives. It is
24 incredibly troubling that Georgians are frustrated with
25 the vote by mail process to the point that they've been

1 forced to consider taking their risk and the health of our
2 -- taking -- risking their health and the health of our
3 poll workers and election staff in order to vote.

4 There's a bigger issue at play here, and that is
5 this: what is the State doing now to prevent these issues
6 from happening again in November? The general election is
7 less than 6 months away, and it is clear that COVID is not
8 just going to disappear. How is the application process
9 being streamlined? Will you be sending Georgia voters
10 applications to vote by mail? Planning and transparency
11 now will go a long way to assuring voters that November
12 will not be a repeat of June 2020. The State's lack of
13 communication and action to aid voters for the June
14 primary is already concerning, but make no mistake, it
15 will be reckless endangerment of voters if we do not
16 swiftly correct course now to prepare for November. Thank
17 you.

18 MR. RAYBURN: Thank you, Ms. Draper.

19 MR. RAFFENSPERGER: Next speaker?

20 MS. THOMAS: Next, we have Marilyn Marks. You may
21 now speak.

22 MS. MARKS: Thank you. This is Marilyn Marks. I'm
23 the Executive Director of Coalition for Good Governance.
24 Coalition for Good Governance has been seeking a court
25 order to improve poll worker health-safety conditions that

1 would permit an early scanning of the ballots, and we
2 appreciate the Board's attempt to address that issue
3 today, but we urge you to instruct staff to go back to the
4 drawing board on this one. It needs some work.

5 As the email that we sent you this morning details,
6 there are numerous confusing and conflicting provisions in
7 the draft rule that we've seen. We saw a draft rule, but
8 unfortunately, we did not see the final rule before this
9 meeting. It was not posted. Such conflict and confusion
10 and omissions that are in the proposed rule will serve to
11 create controversy rather than clarity. The county
12 election officials already have had an overwhelming number
13 of new issues and concerns to deal with, and they deserve
14 absolute clarity, not more confusion, in any rule that the
15 Board promulgates as an emergency measure.

16 We have detailed 11 points in our email this morning
17 that require immediate attention before this rule is
18 promulgated. For example, it seems that the terms
19 tallying, tabulation, processing, scanning, and counting
20 are used somewhat interchangeably, and at other times,
21 it's clear that they do not mean the same thing. Without
22 more clarity, it's inevitable that the county officials
23 will unintentionally violate the rules and potentially the
24 underlying statutes and then have to deal with partisan
25 controversy. They deserve better than this.

1 Also, we'd like to note that it is unclear as to the
2 difference in the rights and responsibilities of monitors,
3 poll watchers, observers, and public observers. All of
4 those terms are used in this rule. Again, it's essential
5 that the clarity -- that clarity is required for the rule
6 to be effective.

7 We detail more of this in our email this morning. We
8 urge you to review that carefully, and we urge you to
9 consider those things before you promulgate any rule on
10 the early scanning of mail ballots. Thank you.

11 MR. RAFFENSPERGER: Next speaker?

12 MS. THOMAS: All right. So next, Jonathan Grant?
13 You may speak now. Jonathan Grant?

14 MR. RAYBURN: That's all the public comment, Mr.
15 Secretary.

16 MR. RAFFENSPERGER: Okay. Well, thank you for your
17 comments. Now, we have on our agenda the presentation and
18 consideration of the proposed emergency rule. If we could
19 have our General Counsel Ryan Germany go over that. I
20 believe they discussed this with the Board members. We've
21 also got the input from our counties. Mr. Germany?

22 MR. GERMANY: Thank you, Mr. Chairman. So the rule
23 in front of us today is an emergency rule allowing early
24 processing of absentee ballots. I want to thank all the
25 members of the Rules Working Group for a lot of helpful

1 back and forth on this. Particularly, Ms. Bailey in
2 Richmond County was very helpful in helping us put this
3 together.

4 So as each of you know, this current election, the
5 June 9th election, is shaping up to look very different
6 than elections in Georgia usually look. To give you some
7 statistics, as of this morning, we have had 1,438,000
8 absentee ballot applications accepted. Out of that 1.4
9 million, 1.319 million of those absentee ballots have been
10 mailed. The rest are, of course, in the process of being
11 mailed. And out of those 1.3 that have been mailed, 1.25
12 million have already been delivered to Georgia voters.
13 360,173 ballots have already been accepted -- been
14 returned and accepted by county election officials. I
15 think the last presidential preference primary, general
16 primary, there was 36,000 total absentee vote by mail
17 ballots cast in the entire election. So we're already at
18 well above that in orders of magnitude. This is more
19 absentee ballots than have been accepted -- than were
20 accepted in the November 2018 election. I think there it
21 was only 250,000 absentee ballots.

22 So I think what we're seeing is Georgia voters have,
23 for 15 years, had the opportunity to vote no excuse
24 absentee, and what we've seen here for obvious reasons is
25 a huge increase in voters interested in utilizing that

1 option. So we've made some changes. Obviously, a part of
2 that increase is due to the Secretary's decision to mail
3 out absentee ballot applications to every voter. And
4 then, I think, you know, you guys have made other
5 additions like the drop boxes, and basically, we've just
6 seen counties have to really go to being able to process a
7 large amount of absentee ballot applications and that was
8 difficult, I think. I saw some numbers this morning.
9 Cobb has 130,000 absentee ballots that they've issued.
10 Fulton has 110,000, and I know they're still -- they're
11 still accepting applications today.

12 So that leads me to this emergency rule we are
13 considering. With this many absentee ballots coming in,
14 if there is going to be a way to get results any time
15 quickly after the election, we think we need to allow
16 counties to start processing these absentee ballots early.
17 And one thing they can -- that they're able to do and come
18 up with is not tabulate them because, you know, we don't
19 want -- we don't want to do earlier tabulation than is
20 already allowed because that can -- there's just issues
21 with those numbers being out there. We don't want them to
22 be known. And so, with the new system, you're able to
23 scan the ballot without tabulating it, similar to early
24 voting. Basically, where if you go early vote in person,
25 you scan your ballot through the scanner, but your ballot

1 is not tabulated until, you know, those ballots are
2 returned back to the -- to the county election office and
3 the election management system.

4 So the emergency rule -- I'll go through it here, the
5 proposed rule. For the election held on June 9th, 2020,
6 counties can start the second Monday prior to the Election
7 Day processing absentee ballots, and what that means is
8 they are allowed to open the outer envelopes -- by this
9 point they've already read the back of the envelope,
10 checked the signature, determined whether or not to accept
11 it. If it's been rejected, you know, that's a separate
12 process, so these are only for -- this is only for once
13 the applic -- the ballot's already been accepted. They're
14 allowed to open the outer envelope, remove the contents,
15 and then scan the absentee ballot. However, no person
16 shall tally, tabulate, estimate, or attempt to tally,
17 tabulate, or estimate the actual votes.

18 So the three things we were kind of trying to
19 accomplish in this rule: one, we've got to make sure
20 there's a process that can be followed that will basically
21 help the counties keep things organized. So that's why
22 we've limited it to absentee ballots shall be processed in
23 batches of not more than 100, and at least 3 persons who
24 are registrars, deputy registrars, poll workers, or
25 absentee ballot clerks must be present for the processing

1 of absentee ballo -- of absentee ballots. They have to
2 have a reconciliation form to make sure that the number of
3 ballots matches the number of envelopes and vice versa and
4 sign their name to it. They also have to then keep those
5 batches together once they're scanned so you can keep
6 track of okay, this has been scanned, and then they're put
7 in a secure ballot container. So we want to make sure
8 there's a good process.

9 The other thing that we want to accomplish is we do
10 want to make sure that it's available to the public, but
11 it's got -- it's got to be securely available because the
12 third thing we were trying to accomplish in this rule is
13 keeping in place ballot secrecy. So, you know, the
14 process to remove the -- to separate the outer envelopes
15 from the ballot with the security sleeve around them and
16 the rule says that has to be done in such a way where they
17 can't be matched back to one another after the fact.

18 One thing that we spent a lot of time on with the
19 Rules Working Group is the observers and the monitors.
20 The process is open to the public and that's -- those are
21 the observers, the public observers. Designated monitors,
22 who can be designated by the state political parties or
23 the nonpartisan or independent candidates that are on the
24 ballot -- they can also be there to monitor. And we try
25 to monitor -- to set the guidelines for that process based

1 on the current guidelines for poll worker -- sorry, poll
2 watcher monitoring in the tabulation center. And so
3 that's in number 12 of the rule, and we list that the
4 superintendent may designate locations that allow the
5 monitors to monitor the process and those locations shall
6 include areas that let them -- let them view batching the
7 ballots, reconciliation of envelopes to ballots, scanning
8 the ballots, duplication of ballots, adjudication of
9 panels -- adjudication of ballots by review panels, and
10 sealing the ballots after scanning, and that's modeled
11 after the poll watchers in the tabulation center.

12 We also modeled this rule after the existing early
13 tabulation statute, including the restriction on cell
14 phones, laptops, audio or video recording devices, or
15 other communication devices. They can't be in the room.
16 There's also some prohibited activities from anybody, from
17 the monitors or observers interfering with the processing
18 of the ballots, bringing in any photographic or other
19 electronic monitoring or recording devices, engaging in
20 any kind of campaigning, taking any action that endangers
21 the secrecy of the ballot, touching any ballot or ballot
22 container, and then again tallying or attempting to tally
23 any votes, and then communicating any information that
24 they might see about a vote on a ballot.

25 So those are the things we were trying to accomplish

1 and again, I'm thankful for the -- to the Rules Working
2 Group because there was a lot of helpful comments that we
3 incorporated into this, and we were working on it as late
4 as yesterday. But we envision, if the Board decides to
5 pass this emergency rule, the Secretary of State Elections
6 Division will send out some guidelines to the counties
7 that, you know, are a little more specific about some of
8 these processes. We didn't want to get into those, I
9 think, in the rule. The purpose of the rule is really to
10 allow the county to do this, set some guidelines, set, you
11 know, set the guard rails, and then we'll send out some
12 more specifics about how exactly, you know, we think these
13 things should be accomplished in the guidelines we issue
14 to counties. I'm happy to take any questions.

15 MR. RAFFENSPERGER: Do we have any questions or
16 comments from any of our Board members?

17 MR. WORLEY: Mr. Chairman, this is Mr. Worley. I
18 have a question for Mr. Germany.

19 MR. RAFFENSPERGER: Yes, sir.

20 MR. WORLEY: Mr. Germany, in the guidelines -- in the
21 guidelines that you send to the counties, do you
22 anticipate emphasizing that monitors and observers do have
23 a right to view the election from a -- from an appropriate
24 location and make sure that county election officials know
25 that that is still a right that needs to be preserved in

1 this rule?

2 MR. GERMANY: Yes. Yes. I think we do want to make
3 that clear. You know, it definitely needs to be a public
4 process. The county election official does have authority
5 to set reasonable regulations, again copying from the poll
6 watcher statute, especially, you know, it's a little
7 complicated in these times with social distancing
8 requirements and all that, but that's certainly something
9 we can include in the guidelines, Mr. Worley.

10 MR. WORLEY: All right. Thank you.

11 MR. RAFFENSPERGER: Any other members, any questions?
12 Hearing none, now would be a good time for a motion, if
13 someone is so inclined.

14 MR. MASHBURN: This is Matt Mashburn. I move that
15 the rules be adopted as published.

16 MR. RAFFENSPERGER: Do we have a second?

17 MS. LE: This is Anh, Anh Le. I'll second that.

18 MR. RAFFENSPERGER: Great, a second. The rule is
19 before us. Do we have any additional comments any members
20 would like to make before we bring it to a vote?

21 MR. WORLEY: Mr. Chairman, this is David Worley. I
22 have just a brief comment. I appreciate the efforts that
23 the members of the Rules Working Group and Mr. Germany and
24 Mr. Rayburn and others did in putting these rules
25 together. There was considerable comments and revisions

1 that were made that I think improve the rule. I don't
2 think it's a perfect rule but given Mr. Germany's
3 assurance about the guidelines that we'll be able to flesh
4 out this rule, on the whole, it's a rule that I will
5 support.

6 MR. RAFFENSPERGER: Thank you, Mr. Worley. Any
7 additional comments from any Board members?

8 MR. MASHBURN: This is Matt Mashburn. First, I would
9 like to apologize to everyone for my being late. I had a
10 little technical difficulty that I had to work through, so
11 I apologize to everyone and their time for both the Board
12 members and the public, so I apologize for that. But I
13 think for this once in a lifetime unprecedented emergency,
14 this regulation attempts to balance transparency and
15 security with a methodical, orderly, observed, and safe
16 processing system and it also supports the timely release
17 of results once the polls close, so I support it and vote
18 for it -- will vote for it.

19 MR. RAFFENSPERGER: Thank you, Mr. Mashburn. Any
20 additional comments? Hearing none, all those in favor of
21 the emergency rule as presented, signify by saying aye.

22 THE BOARD MEMBERS: Aye.

23 MR. RAFFENSPERGER: Any opposed? Hearing none,
24 motion carries. I don't believe we have anything else
25 before us today, so therefore if we have a motion for

1 adjournment, I'll entertain that at the present time.

2 MR. MASHBURN: Move to adjourn, Matt Mashburn.

3 MR. RAFFENSPERGER: Do we have a second?

4 MS. SULLIVAN: Second, Rebecca Sullivan.

5 MR. RAFFENSPERGER: All those in favor?

6 THE BOARD MEMBERS: Aye.

7 MR. RAFFENSPERGER: Motion carries. The meeting is
8 adjourned. Thank you for your time. Thank you for
9 getting up. Sorry that this was a little bit earlier than
10 normal, but enjoy the day, and God bless your service.
11 Thank you.

12 (Meeting adjourned 9:45am)

CERTIFICATE

STATE OF GEORGIA
COUNTY OF DEKALB

I, Kaitlin Walsh, Certified Court Reporter, hereby certify that the foregoing pages numbered 4 through 28 constitute a true, correct and accurate transcript of the testimony heard before me, an officer duly authorized to administer oaths, and was transcribed under my supervision.

I further certify that I am a disinterested party to this action and that I am neither of kin nor counsel to any of the parties hereto.

In witness whereof, I hereby affix my hand on this, the 18th day of June, 2020.

Kaitlin Walsh, CCR, CVR
CCR #: 5910-3132-3171-2256

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